

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 6, 1998**

DIVISION ONE

B116227      Foodmaker, Inc., et al.                      (Certified for Publication)  
                 v.  
                 Workers Compensation Appeals Board  
                 Ortega-Ruiz, Respondent

The Workers' Compensation Appeals Board's opinion and order of August 29, 1997, adopting the Workers' Compensation Judge's "Response and Recommendations Regarding Petition for Reconsideration" and denying reconsideration, is annulled with directions to conduct further proceedings to determine whether Foodmaker, Inc., would have offered Margalise Ortega-Ruiz modified or alternative employment (Lab. Code, § 4644, subds. (a)(5), (6)) but for her status as an illegal immigrant.

Masterson, J.

We concur:   Ortega, Acting P.J.  
                 Vogel (Miriam A.), J.

B117474      People    (Not for Publication)  
                 v.  
                 Nguyen

The judgment is affirmed.

Masterson, J.

We concur:   Spencer, P.J.  
                 Ortega, J.

DIVISION ONE (Continued)

B116130      Stockton      (Not for Publication)

v.  
Board of Psychology, et al.

The judgment is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B125448      Dept. of Children & Family Services      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(Deborah B., et al., r.p.i.)

The Court:

Filed opinion and order granting peremptory writ of mandate.

Spencer, P.J.    Vogel (Miriam A.), J.    Masterson, J.

DIVISION TWO

B119313      Peters      (Not for Publication)

v.  
Firemen's Insurance Company of Newark

The judgment is affirmed.

Boren, P.J.

We concur:    Nott, J.  
                         Zebrowski, J.

## October 6, 1998-Continued

## DIVISION TWO (Continued)

B113543      People  
v.  
**Sanchez**

(Not for Publication)

The judgment is affirmed. The abstract of judgment is ordered corrected to reflect the trial court's imposition of a restitution fine.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

B114436      Tillack & Co., Ltd., et al.      (Not for Publication)  
v.  
Wells Fargo Bank, N. A.

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.  
Zebrowski, J.

B088432 People (Not for Publication)  
v.  
Clardy & Villamar

The judgments are affirmed.

Fukuto, J.

We concur: Boren, P.J.  
Zebrowski, J.

DIVISION TWO (Continued)

B114216      People      (Not for Publication)

v.

Fernandez

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B115999      People      (Not for Publication)

v.

Bonman

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B114079      People      (Not for Publication)

v.

Allen

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

October 6, 1998-Continued

## DIVISION TWO (Continued)

B114890 People (Not for Publication)  
v.  
Melendez

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B118324 People (Not for Publication)  
v.  
Calderon

The Court:

The judgment is modified to provide that the sentence imposed for violation of Vehicle Code section 23152, subdivision (b) is stayed pending completion of service of the sentence imposed for violation of Vehicle Code section 23152, subdivision (a) and thereafter permanently. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

## DIVISION THREE

B111562 People (Not for Publication)  
v.  
Coward

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Goodman, J. (Assigned)

### DIVISION THREE (Continued)

B113620      People  
              v.  
             Paz

(Not for Publication)

The judgment is affirmed as to all counts except count 3. Conviction on count 3, the attempted voluntary manslaughter of Alejandro Valencia is reversed. The petition for writ of habeas corpus is denied. The matters are remanded to the trial court for further appropriate proceedings consistent with the views expressed in this opinion.

Goodman, J. (Assigned)

We concur:   Kitching, Acting P.J.  
                      Aldrich, J.

[illegible]

The judgment is modified to reflect imposition of a \$200 fine pursuant to Penal Code section 1202.45. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment reflecting the \$200 Penal Code section 1202.45 and the \$200 Penal Code section 1202.4 restitution fine, and to forward such corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, Acting P.J.

We concur: Aldrich, J.  
Goodman, J. (Assigned)

October 6, 1998-Continued

### DIVISION THREE (Continued)

B115145      People  
v.  
Vincent B.

(Not for Publication)

The judgment is affirmed.

Goodman, J. (Assigned)

We concur: Klein, P.J.  
Aldrich, J.

B114582      Sheila Pegues  
v.  
Civil Service Commission of County of Los Angeles  
Eddy S. Tanaka, etc., et al.

Filed order modifying opinion and certifying opinion for publication. (No change in the judgment)

B112529     **Samy Tliche**  
v.  
**Carl Van Quathem & VQA Property Management, et al.**

Filed order modifying opinion. (No change in the judgment)

B122526 Charles Stevens  
v.  
Superior Court Los Angeles County

B122539 Charles Stevens  
v.  
API Automobile Insurance Services, et al.

Filed order consolidating above captioned appeals.

DIVISION FOUR

B111649 People v. O'Hare (Not for Publication)

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The judgment of conviction of three counts of violation of Penal Code section 191.5, subdivision (a), is reversed. The matter is remanded to the trial court with instructions to direct the preparation of an amended abstract of judgment in conformity with this opinion. In all other respects, the judgment is affirmed.

Cooper (F.M.), J. (Assigned)

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B107907      McKey      (Not for Publication)  
v.  
Charles Schwab and Co., Inc.

The judgment (order of dismissal) is affirmed. Respondent Schwab shall recover its costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.



DIVISION FIVE

B118949      Sanabria      (Not for Publication)  
v.  
Scherer

The order denying Scherer leave to intervene is reversed. The trial court is directed to enter a new and different order granting Scherer leave to intervene. Sanabria is to pay Scherer's costs on appeal.

Grignon, J.

We concur: Turner, P.J.  
Armstrong, J.

B118866 People (Certified for Partial Publication)  
v.  
Johnson

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Godoy Perez, J.

B123592      Yvonne M., et al.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petitions are denied on the merits.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

DIVISION FIVE (Continued)

B122446      Blue Cross of California, et al.      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Elizabeth Farquhar, et al., r.p.i.)

The petition for a writ of mandate, prohibition, or other appropriate relief is denied. Plaintiffs, Elizabeth Farquhar and Laurie Winett, shall recover their costs incurred in connection with these extraordinary writ proceedings from defendants, Blue Cross of California and Wellpoint Health Networks, Inc.

Turner, P.J.

We concur:    Armstrong, J.  
                  Godoy Perez, J.

B099888      Geraldine Goodstone                      (Not for Publication)  
v.  
Southwest Airline Co., et al.

The order is affirmed. Defendants, Southwest Airlines Co., Burbank Air Services, Inc., and Industrial Electric Vehicles Company are entitled to their costs including attorney fees on appeal to be recovered from plaintiff.

Turner, P.J.

We concur:    Armstrong, J.  
                  Godoy Perez, J.

DIVISION SEVEN

B109283      Hargett      (Not for Publication)

V.

Cigna Dental Health of California, Inc.

The judgment is reversed. Costs on appeal are awarded to appellant.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.

B113074      Bae, et al.      (Not for Publication)

V.

Lorea Exchange Bank, et al.

The judgment and order denying relief from the judgment are affirmed.

Johnson, Acting P.J.

We concur: Woods, J.

Neal, J.